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10 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

11 HECTOR TORRES,

12 Plaintiff,

13 vs.
14

15 BELLAGIO, LLC, a Nevada corporation;
ROE Business Organizations I-X; and, DOE
16 INDIVIDUALS I-X, inclusive,

17 Defendants.

Case No. 2:17-cv-01025-JAD-VCF

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DISPOSITIVE
MOTION DEADLINE**

(FOURTH REQUEST)

18 Pursuant to Local Rules IA 6-1 and 26-4, Plaintiff HECTOR TORRES ("Plaintiff") by
19 and through his counsel, Kemp & Kemp, and Defendant BELLAGIO, LLC ("Defendant"), by and
20 through its counsel, Jackson Lewis P.C., hereby stipulate to amend the Discovery Plan and
21 Scheduling Order (ECF No. 35) and Order Granting Stipulation to Extend Discovery Deadlines
22 (Third Request) (ECF No. 43) by extending the deadline to file dispositive motions as set forth
23 below.

24 This is the fourth request for an extension to the discovery plan and scheduling order in
25 this matter. The parties' prior requests have sought additional time to conduct discovery which in
26 turn has effected the deadline to file dispositive motions under FRCP 56. This extension does not
27 seek additional time to conduct discovery, and is sought in good faith and not for purposes of
28 delay. The request to extend the deadline is subject to the good standard as the request is made

1 less 21 days prior to its expiration. LR 26-4. Good cause exist to extend the deadline as several
2 unanticipated interceding events have occurred which necessitates the parties' request.

3 MEMORANDUM OF POINTS AND AUTHORITIES

4 **I. LEGAL ARGUMENT**

5 Under Rule 6(b)(1) of the Federal Rules of Civil Procedure, the Court may, for good
6 cause, extend a deadline if the request is made before the deadline expires. Similarly, under Rule
7 16(b)(4), a deadline set forth in a scheduling order may be modified for good cause. The good
8 cause inquiry focuses on the moving party's diligence. Johnson v. Mammoth Recreations, Inc.,
9 975 F.2d 604, 608-09 (9th Cir. 1992). Although Local Rule 26-4 requires all *motions* to extend a
10 deadline set forth in a scheduling order to be filed no later than 21 days before the expiration of
11 the subject deadline, the underlying rationale of the Local Rule is not implicated here because the
12 parties have entered into the instant stipulation. See Woods v. Quintana, No. 2:13-cv-01314-
13 APG-CWH, 2016 U.S. Dist. LEXIS 50889, at *6 (D. Nev. Apr. 15, 2016) ("Part of the underlying
14 rationale for Local Rule 26-4 is to avoid the situation in which the Court" has to "attempt to
15 decide a motion to extend a deadline before there has been time for the opposing party to respond
16 to the motion.").

17 Here, good cause exists to extend the dispositive motion deadline by one week from its
18 current deadline of April 27, 2018 to May 4, 2018. The undersigned Counsel for Defendant is
19 currently engaged in trial preparations for another case set on a May 21, 2018 five-week trial
20 stack in the Eighth Judicial District Court, Clark County, Nevada, Case No. A-15-727524-C (the
21 "trial case"). Earlier this week, the trial case and certain parties therein were the subject of
22 extensive national and local news coverage which has continued throughout the week. This
23 event, so close to trial, has necessitated the involvement of Defendant's Counsel.

24 Further, Defendant's Counsel unexpectedly had to prepare for and participate in a labor
25 arbitration hearing on Thursday, April 19th. Defendant's Counsel will also be participating in
26 hearings on Monday through Thursday of next week for the trial case. Finally, the parties in the
27 trial case will be participating in a required pre-trial exhibit conference next week to settle
28 exhibits and discuss stipulations regarding admissibility. Defendant's Counsel has learned that the

1 parties will need to discuss the marking and admissibility of at least 470 separate exhibits. In light
2 of this, the conference is likely to span several days.

3 The aforementioned events have and will make it impossible for Defendant's Counsel to
4 complete drafting of Defendant's dispositive motion by the current deadline of April 27th.
5 Defendant's Counsel has explained the circumstances to Plaintiff's Counsel. Plaintiff's Counsel
6 was understanding and agreed to extend the dispositive motion deadline to May 4, 2018.
7 Accordingly, the parties respectfully request that the dispositive motion deadline be extended by
8 one week from its current deadline of April 27, 2018 to May 4, 2018.

9 Dated: April 23rd 2018

Dated: April 23rd 2018

10 Respectfully submitted,

Respectfully submitted,

11
12 /s/ Victoria L. Neal

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17 *Attorneys for Defendant*
18 *Bellagio, LLC*

19
20 **ORDER**

21 **IT IS SO ORDERED.**

22 April 24

23 Dated: _____, 2018.

24 

25 HON. CAM FERENBACH

26 UNITED STATES MAGISTRATE JUDGE